

February 24, 1971

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a rational fashion there are certain things that we should do, and a number of things which we assuredly should not do:

1. In the existing climate of the United States efforts to regiment, conscript, or apply economic sanctions to the medical profession are destined to make matters worse rather than better. They have the effect of driving even more physicians from active practice into research, teaching, administrative medicine, more narrow specialization or premature retirement.

2. Promises on the part of government that practicing physicians will deliver even more health service to beneficiaries than they are now able to produce under stress conditions force still more physicians to seek refuge from the pressures.

3. The practicing physician is confronted with increasing costs of living and of doing business. In a generally uncontrolled economy measures which would freeze the income levels of physicians, eliminating their ability to adjust to the economic environment are discriminatory and lead to still further departures from active practice.

4. The individual physician has limited opportunity or capacity to respond to overall societal demands. These responses are best made by physicians collectively, acting in concert through their professional associations. It is in the best interests of the nation that professional organizations be aided and abetted in their cooperative efforts. To denigrate them and to give them adverse tax treatment reduces their capacities and their resources for constructive input.

5. It has been proposed in several legislative bills that bonus dollars will motivate physicians to establish practices in rural and urban shortage areas. The fact is that large numbers of physicians who have been providing service in those areas leave lucrative practices for less rewarding circumstances in which the offsets are such things as personal and family security, improved educational facilities, or a lessened pressure of patient demand.

6. Prepaid comprehensive group practice has been "discovered" as a potential answer to most of the delivery problems. Rechristened "Health Maintenance Organizations," these arrangements for practice are offered as a panacea without recognition of the fact that such groups have been encountering serious problems of their own, that many patients do not wish to enroll in such plans, and that many physicians have no interest in practicing in them. The many variations of this approach deserve support as competitive mechanisms with a chance to prove such superiorities as they may develop in respect to quality, efficiency and economy, but no attempt to force all physicians into a rigid pattern of salaried group practice could be the most destructive move made by government.

7. Plans which would base the entire delivery system of medical service upon "primary physicians" with responsibility for channelling patients and regulating payments to consultants, specialists and the like betray a lack of understanding as to how medicine is practiced.

8. The willingness of physicians to participate in and to be subject to peer review in respect to the quality and quantity of their services and the changes made therefor are encouraging. This should be supported, not discounted. The prospect of evaluation by non-medical reviewers, or medical reviewers hired by non-medical agencies is a strong deterrent to cooperation.

In summary, to keep physicians in active practice, rather than to disperse them, government should abandon emphasis on prepaid comprehensive group practice although it may still support it. It should uphold the principle that a physician should be expected to charge his usual fees to all patients

and should depend on a strengthened system of peer review to guarantee that such usual fees will conform with customary fees and be kept within the ranges of what can be defined as "reasonable." Mathematical formulae for freezes and arbitrary percentiles should be abandoned. It should probably be accepted that lightly trained physicians cannot be attracted into practice in rural areas or in many slum areas, and alternative mechanisms for the provision of adequate medical service should be developed.

Considerations in respect to the 2nd priority (increased productivity):

1. There is, in general, little opportunity to increase the productivity of the average practicing physician by simple extensions of his working hours. Actually current enthusiasm for group practice formulae seem to be retrogressive inasmuch as it is represented to the physician who is currently working 60-70 hours per week that under group practice arrangements he may reduce this to 50 or less hours per week. Scattered figures may be cited to support the idea that 100 physicians in solo practice actually provide service to more patients per week than do 100 physicians in group practice of any type.

2. The multiple experimental programs of Medex, Duke University, the American Urological Association, and scores of others to develop support to the practicing physician deserve subsidy and assistance. At the same time serious attention must be paid to the medical practice acts of the several states, to factors of professional liability, insurance coverage, and the like.

3. Restrictive provisions in such programs as Medicare and Medicaid which make it economically unfeasible for physicians to delegate to others—especially to interns, residents and office assistants—the provision of appropriate services should be eliminated or readjusted.

4. Government has taken an unproductive and adverse position in respect to those physicians who have appeared to earn "too much" money from federal and state programs. Instead of the antagonistic approach of questioning the financial "take" by such persons, focus should be on requesting "peer review" of the quality of care offered by these mass producers. It may be good.

5. Many physicians are dissuaded from, or become disenchanted with, efforts to provide medical service for federal and state program beneficiaries because of relatively low compensation, excessive paper work, and an exposure to adverse publicity because of payments received. This should be corrected. Physicians willing to devote themselves to this type of work in volume should be praised rather than denigrated for their efforts.

Consideration in respect to the 3rd priority (augmentation of physician numbers):

1. Support to the educational roles of medical schools should be clearly separated from support to medical research so that the latter is not used as a subterfuge for the building of a medical school faculty, or the underwriting of medical school operations.

2. As much attention should be devoted to keeping in clinical practice of medicine those physicians who we have as to the training of more physicians.

3. A positive program of public relations dedicated to making the clinical practice of medicine attractive to oncoming generations of young Americans would be more productive than a campaign to picture physicians as entrepreneurs requiring regimentation and control.

4. Serious attention should be given to the problem of professional liability insurance and the jeopardy in which the practicing physician finds himself today. It is no small matter that the new physician finds that he must pay from two to ten thousand dollars per year in malpractice insurance pre-

miums before he feels safe to treat his first patient. It is equally important to recognize that many active practitioners are being forced from practice by the inability to purchase, at any reasonable figure, adequate liability insurance. The answer does not lie in finding new "carriers" for the insurance. It lies in legal reforms governing liability.

Considerations in respect to the 4th priority (conservation of public expenditures):

1. "Peer Review" is the governing concept which requires support. To dilute it with lip service to consumer representation is not helpful. The medical profession needs to be supported in the outstanding progress which it has made in the past decade in the perfection of peer review techniques.

2. Indoctrination in peer review should be looked upon as a proper role of national, state and county medical societies for incorporation into medical school curricula and hospital intern and residency training programs.

3. Techniques of education for the practicing physician in the relationship between hospitalization, physician orders and prescribing practices and the expenditures mandated for patients or those who pay their bills should be advanced.

4. Considerable attention should be given to the thought that when a physician is salaried, or otherwise divorced from the fee-for-service method of compensation, he is insulated from a specific interest in how his services or his authorizations for service have impact upon the economics of medical care.

SALE OF U.S. AIRCRAFT TO PORTUGAL

Mr. CASE, Mr. President, for many years now, I have observed with more than routine interest events in southern Africa. I regret to say that self-determination has been systematically denied by the South African and Portuguese Governments to the majority of the population in that part of the world.

Thus, I was concerned by press reports that appeared in January 1971, describing the sale of two Boeing 707 aircraft directly to the Portuguese Government, for there was some question whether this transaction violated the terms of the 1961 U.S. embargo on the sale of arms to Portugal for use in Africa. At that time, I wrote to the Secretary of State for more information, and I received a prompt reply from his Department.

I ask unanimous consent to have printed in the Record the original Washington Post article by Marilyn Berger which prompted my inquiry, my letter to the Secretary of State, the answer I received from the State Department, and an earlier letter I received from State which has been described to me as probably the most complete public disclosure ever made of U.S. policy toward Portugal in Africa.

There being no objection, the items were ordered to be printed in the Record, as follows:

[From the Washington Post, Jan. 5, 1971]

PORTUGAL TO GET TWO BOEING 707'S

(By Marilyn Berger)

In what is believed to be the first transaction of its kind since the imposition of a partial arms embargo to Portugal, the United States has approved the sale of two Boeing 707s to the Lisbon government.

Although there has been an embargo against the shipment of arms for use in the Portuguese overseas territories, State Depart-

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don't think football is an end in itself; it has to be an integral part of an entire college program," he believes.

"We all know good blocking, tackling are responsible for winning, but preparation, dedication, desire, mental toughness and intelligence and a lot of other basic things are responsible for helping players block and tackle well."

"When they understand this they also understand that it comes to be successful in all their endeavors," the three time Southland Conference coach of the year said.

Ellender, who quarterbacked at Tulane University in the mid 1940s, must compete for his players in a state rabid for Arkansas Razorback football. But he believes he has just as much or more to offer than the big time college football powers.

"We offer a boy an opportunity to play quicker than he can at the larger schools and we offer nearly as much here in academics as any school. The spectator interest isn't as great but there is more opportunity." And he believes the players know it.

"We have a tremendous amount of togetherness and this is good. We strive to make them feel they are part of the organization. We feel like we have good rapport with all our people, that the door is open to them at all times."

U.S. POLICY TOWARD PORTUGUESE AFRICA

MR. CASE. Mr. President, in light of the present continuing debate in the U.N. Security Council about alleged Portuguese involvement in the invasion of Guinea, I am today releasing the text of correspondence I have had with the State Department on U.S. policy toward Portuguese activities in Africa.

My original inquiry of the State Department was prompted by a letter I received in November from a Maplewood, N.J., high school student, Laurence E. Tobey. At that time I wrote Mr. Tobey that his letter to me "raised some points with which I was not familiar," and I thanked him for what I consider to be "a well thought out and informative letter."

While the State Department reply is not responsive to all the details mentioned by Mr. Tobey, my understanding is that it is probably the most complete public disclosure to date of U.S. policy toward Portugal in Africa.

I ask unanimous consent that the texts of the letters be printed in the Record.

There being no objection, the texts were ordered to be printed in the Record, as follows:

NOVEMBER 1, 1970.

Hon. CLIFFORD P. CASE,
U.S. Senate,
Washington, D.C.

DEAR SIR: I am a student at Columbia High School and have recently completed a course in African history. One of the major problems under discussion was European colonialism. European oppression has been overthrown throughout Africa, with the major exception of the Portuguese colonies of Angola, Mozambique, and Portuguese Guinea. The Caetano regime which is presently in power in Portugal has maintained repressive colonial wars in each of these colonies since 1961, which the United States and NATO allies have supported with military aid and training. I would like to question this support.

"The United States had supplied the Portuguese Air Force with 50 Thunderjet fighters since 1952, some 30 Cessna training and security planes, (of which Portugal has paid

for 12), a large number of Harvard trainers, 18 Lockheed bombers (FV-2 Harpoons) and 12 other Lockheed bombers". (African Report, May, 1970). In addition, West Germany has supplied 30 Fiat G-90 fighter-bombers. Germany has also supplied three naval frigates, in addition to two from Britain and four from France. All of this material has been provided ostensibly for NATO use. None of it has been used for that purpose. Portugal has further failed in its NATO commitment by maintaining only one army division for NATO duty, and that at 50% combat strength, while by contrast, the Portuguese maintain 130,000 soldiers in Africa for colonial duty. Finally, clandestine aid has been given by the United States, in particular the Central Intelligence Agency, in the form of 20 B-26 bombers, and the United States has also trained several thousand Portuguese soldiers in counter-insurgency, and at present the Army maintains a Military Assistance and Advisory (MAAG) Group in Portugal. The fact remains that these forms of military aid have been provided under the auspices of NATO and the Military Mutual Defense Assistance agreement. It has not been used for that purpose, but in fact, the Portuguese have continued their colonial wars at the expense of their NATO commitments.

The nature of the wars conducted in Africa by the Caetano regime has often been described as immoral, indiscriminate, and blood-thirsty. Their purpose is none but avowed, admitted imperialism. There can be no moral justification for such territorial aggrandizement.

In conclusion, I would like to suggest the following:

(1) Immediate cessation of all American military aid to Portugal, and diplomatic pressure put on the NATO allies to do the same.

(2) The American Embassy to the United Nations be instructed to introduce action in the UN condemning the Caetano regime for its wars, and demanding that steps be taken to prepare Angola, Mozambique, and Portuguese Guinea for independence. (The United States voted against such a resolution in 1966.)

The American policy towards Africa as a whole has been described as one of benign neglect. American attitude toward Portuguese imperialism is at ridest, acquiescence. The continuation of bloodshed serves no purpose for any one except the narrow-minded men of the Caetano regime; not the people of Africa, who are kept in crushing poverty, nor the people of Portugal, who must fight and pay the bills. The present American policy aids only the Caetano regime. I ask that the United States stop underwriting their policy of imperialism and repression.

Sincerely,

LAURENCE E. TOBEY.

DEPARTMENT OF STATE,

Washington, D.C., November 13, 1970.

Hon. CLIFFORD P. CASE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CASE: Thank you for your letter of November 4 and the opportunity to comment on Mr. Tobey's letter of November 1 to you regarding U.S. policy towards Portugal and Portuguese Africa.

The United States Government's attitude towards this question was set forth in the Secretary of State's March 26 policy statement on Africa. He said: "As for the Portuguese territories, we shall continue to believe that their peoples should have the right of self-determination. We will encourage peaceful progress toward that goal. The declared Portuguese policy of racial toleration is an important factor in this equation. We think this holds genuine hope for the future. Believing that resort to force and violence is in no one's interest, we imposed an embargo in 1961 against the shipment of arms for

use in the Portuguese territories. We have maintained this embargo and will continue to do so."

It is true that we do maintain a modest Military Assistance program (MAP) in Portugal, designed to help it fulfill its NATO missions primarily in anti-submarine warfare and air defense. Material and training in these areas are generally inapplicable to the African wars. (Counterinsurgency training courses have not been offered to the Portuguese military since 1964.) Moreover, since the imposition of our arms embargo in 1961, we have required assurances from the Portuguese Government that any materiel supplied to Portugal from public or private U.S. sources will be restricted to the NATO area, which does not include the African territories. To the best of our knowledge, these assurances have always been kept.

We, therefore, believe that any U.S.-manufactured arms acquired in the U.S. and used by the Portuguese in Africa were acquired prior to the 1961 embargo. I might point out that such items, being often of World War II or Korean War vintage, are also available commercially in many parts of the world outside U.S. Governmental control.

With regard specifically to B-26 aircraft, Portugal did obtain seven B-26's through a Swiss firm in 1963. The aircraft came from private U.S. sources. Those directly involved in delivering the planes to Portugal included three Americans, a Briton and a Frenchman. All were indicted by a U.S. Federal Grand Jury for illegal export of the aircraft. Charges were dropped against two of the Americans; the two non-Americans were brought to trial but acquitted; and the fifth suspect evaded arrest and remains at large (presumably abroad). The case attracted widespread public notice at the time, and included unfounded allegations that the transaction had been a CIA-sponsored venture.

Repeated high-level efforts by U.S. officials to obtain the return of the aircraft from Portugal met with no success. The Portuguese have maintained throughout that they bought the aircraft in good faith and under valid contract from a Swiss firm and cannot be held responsible for the illegal acts of those with whom the Swiss firm in turn may have had dealings. At our insistence, however, the aircraft have not been moved from the metropole, and have not, therefore, been of any use to Portugal in Africa.

Concerning Mr. Tobey's policy recommendations, I might make a few observations. First, our MAP program in Portugal has averaged about \$1 million annually in recent years—an amount which represents less than one-fourth of one per cent of Portuguese military spending. Any resources freed for Portugal by our MAP are thus of relatively negligible value. In the absence of our MAP, Portugal would doubtless continue its military effort in Africa, an effort which the Portuguese view as essential to their vital national interests. Without our MAP, Portugal's NATO proficiency would likely suffer, while there would be virtually no effect on its capability in Africa.

In the United Nations, we have supported resolutions which we believed offered a constructive approach to the question of Portuguese Africa. An example of this was our vote for a 24th General Assembly resolution welcoming the Manifesto on Southern Africa; a copy of the statement of the U.S. representative is enclosed for your information. We have been unable to support certain resolutions in the General Assembly or the Security Council which, in our view, have contained objectionable provisions, unsubstantiated allegations, and unwarranted implications.

I believe that the foregoing points illustrate that the United States has not acquiesced in Portuguese colonialism in Africa, as Mr. Tobey alleges. We have, over the past